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THE INSIDIOUS MPL MEASURE AND ITS DANGER — A CALL TO THE ULAMA

Ulama who are conscious of the demand of the Ilm of the Deen which they have acquired, will understand the importance and incumbency of the obligation of *Amr Bil Ma'roof Nahy anil Munkar* which Allah Ta'ala has imposed on them. It is a Waajib duty, the shirking of which is fraught with the gravest consequences for the Ulama themselves as well as for the entire community.

PRIOR DUTY

The prior and foremost duty of the Ulama-e-Haqq is to safeguard and defend the Divine Shariah — the Deen of Allah Ta'ala. Nubuwwat has terminated, but Allah Ta'ala has established the Institution of the Ulama-e-Haqq to perpetuate the functions of that sacred Office of Nubuwwat. Ulama who fail in this role, who fail to discharge the obligations and duties of their sacred Rank, the sanctity of which stems from their vicegerency by virtue of them being the Heirs of the Ambiya, come within the purview of the Qur'aanic ayat:

"Why do their Rabbaaniyyoon and Ahbaar not prevent (forbid) them from their statements of sin and their consumption of filth(suht—haram)? Indeed, vile is it what they (these ulama) are perpetrating (by their abstention from Amr Bil Ma'roof)."

CONCEALING

Kitmaanul Haqq (concealing the truth of the Deen) and silence when the Deen is mutilated by its followers, were among the salient features of the Ulama of the Yahood and Nasaaraa. Those Ulama of Islam who are guilty of this evil, resemble the learned men of the Yahood and Nasaaraa with whose machination the nefarious work of subverting and undermining the Deen was wrought. Following the method and way of the ulama of the Yahood and Nasaaraa is to follow in the footsteps of shaitaan. The Qur'aan warns: *"And do not follow in the footsteps of shaitaan, for verily he is*

for you an avowed enemy."

It does not behove any true Aalim of this Ummah even if he lacks taqwa of a high standard, to maintain silence and to become an instrument of concealing the Haqq when he observes the Deen being mutilated, misinterpreted and subverted by men who have sold their souls for the miserable gains of the world and the nafs. When there is no threat to life and limb, then it is haraam for the Ulama to stand aside as idle observers to witness the satanic attempts of satanic men who tamper with the Shariah. While such misdeeds are expected of modernist *juhhaal*, it is cause for alarm when learned men join the clique of the people of *Baatil* to aid this pernicious process of dismantling the Shariah. Such men of learning are, in the words of Rasulullah (sallallahu alayhi wasallam): *"Men in human form with the hearts of wolves."*

FAILURE

Although their attempts are doomed for failure, it is nevertheless the demand and duty of the Office of the Ulama to expose and proclaim the falsehood and the evil of all measures which conflict with the Shariah — of measures which are baatil and haraam but which are being sold to the Muslim community as the Shariah of the Qur'aan — measures such as this evil endeavour dubbed MPL by its votaries.

THE DANGER

The danger of the MPL kufr measure does not lie in its imposition on the Muslim community. In this secular country with its constitution of so-called equality of all the citizens of the land, there is not the ghost of a chance that this kufr MPL proposal

can be legally imposed on unwilling Muslims. The secular constitution cannot permit that a religion be imposed on any citizen which is averse to that creed. The MPL creed stands rejected by the majority of Muslims. It is a simple constitutional and a logical fact that it cannot be imposed on unwilling Muslims. Hence, the danger does not emanate from that direction.

The danger is the sinister intention which has spawned this shaitaani proposal. That sinister motive is to eliminate the disparity in roles and ranks which Allah Ta'ala has ordained for men and women. In other words, the kufr MPL motion is just a beginning in the sinister shaitaani plot to dismantle the Shariah. It has been reckoned by

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the shayaateen who are pulling the strings and using learned men to achieve their evil objective, that by way of the MPL smokescreen Muslims can be gradually acclimatized to the erosion of the Qur'aanic *ahkaam* until a point is reached that the true divine Shariah has been completely abolished while still retaining the name.

AGENDA

The hidden agenda of the MPL move is to get Muslims accustomed to the gradual shaitaani process of erosion of the Shariah in exactly the same way as the erosion, demise and total abolition of the Shariah of the Tau-rah and Injeel were achieved by the manipulation of the ulama of the Yahood and Nasaaraa. It goes without saying that the similar and sinister moves of some of the theologians and quasi-theologians of this Ummah will necessarily fail. Nevertheless, the Ulama of this Ummah have a sacred obligation to discharge *Amr Bil Ma'roof Nahy anil Munkar*. In the context of the MPL stratagem to realize the aims and objectives of the feminist movement by subverting Islam to make it fully compliant with the secular constitution, *Amr Bil Ma'roof* is to boldly proclaim the *baatil* of these moves and to dissociate from involvement in it in every

respect.

THE COMMUNITY

It is the Waajib duty of the Ulama to apprise the community of the inherent falsehood and danger of the MPL measures. Many Muslims have been misled by the proponents of this new scrap termed MPL. In view of the participation of some Molvis, unwary Muslims are led into deception and hoodwinked to believe that MPL is the Shariah — that it complies with the Shariah — that it promises females the rights which Islam has ordained for them and, in fact, more, much more. That *much more* is the 'liberation' which the ideology of the secular state offers them — liberation from the sacred Fetters of the Shariah — liberation from the Restraints which Allah Ta'ala has imposed on them in the Qur'aan and the Sunnah: *"And (O women!) remain glued within your homes and do not make an exhibition (of yourselves) like the (immoral) displays of jaahilyyah (the pre-Islam era of paganism)."*

INITIATION

It is not difficult to understand that MPL is only the initiation of a plot which has a long term goal — the abolition of Islam in the secular state. When one views the quasi-theologians, the *juhala* and the women's lib mutant societies which preponderate the MPL forum, it will then not be difficult to comprehend the sinister plot which MPL in reality represents.

In any conspiracy of shaitaan, there is always a subtle initial move which he camouflages dexterously. The plot is initiated with the subtle attempt to begin the dismantling act at the seams. By imperceptible degrees the entire fabric will be torn to shreds if the initial nibbling at the seams go by undetected. This is exactly what MPL schemes without the poor Molvis understanding or realizing what rot they have sunk into by clambering onto this wagon of kufr.

VIOLATIONS

It is indeed a dismal commentary on the knowledge and '*molwiyat*' of the Molvis who have embraced

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the *fussaaq* and *mulhideen* whose aim is nothing other than the destruction of Islam. They have openly and audaciously proclaimed their goal by seeking to confuse and deceive stupid people with the claim that the Shariah and Islam are two entirely different entities whereas the Shariah is nothing other than the Qur'aan and the Sunnah. This deceptive idea of the Shariah being an entity apart from Islam is the most conspicuous evidence of kufr and kuffaar at work in the MPL exercise.

Anyone who sets himself/herself the task of changing one iota of the Divine Qur'aanic Shariah is an outright and a downright *Murtad/Murtaddah* if he or she had perhaps been born in a Muslim home. The Qur'aan loudly and emphatically proclaims the kufr of those who do not rule and decide by the Law of Allah Ta'ala. That Law is the Qur'aan and the Sunnah which collectively consti-

tute the Divine, Immutable Shariah. This is precisely the task which the MPL clique has embarked on and is now hell-bent on hoisting it on the Muslim community. But, most assuredly this crowd of kuffaar portraying themselves as Muslims will be sorely frustrated in their evil attempt to subvert the Deen of Allah Ta'ala with their kufr MPL plot.

THE ROLE

The sacred role of the Ulama precludes them from being idle observers and from maintaining silence for fear of a controversy erupting. When the Deen is under attack by wolves in sheep's skin, then it is imperative for the Ulama to boldly speak up and to defend the Shariah of Allah Ta'ala. In our opinion, silence for the fear of initiating controversies at the cost of the Deen being undermined by so-called colleagues — Molvi colleagues — is abdication of duty and abuse of the sacred Trust of guarding the Deen.

STAND UP!

THE SHAITAANIYAT AND ZULM OF MPL

The kufr device of MPL is not a new development for which the South African MPL crowd of deviates can claim originality. Every so-called Muslim country has its own brand of MPL which reeks of kufr. The proposals of all MPL exercises are invariably and always in violent conflict with the Qur'aan Majeed and the Hadith —the Shariah of Allah Ta'ala.

Since all Muslim lands are governed by kuffaar who masquerade as Muslims, with the solitary exception of Saudi Arabia which is governed by a clan of Muslim *fussaaq* and *fujjaar*, the need was felt in these lands to introduce some form of Western kufr law portrayed with Islamic hues in order to wean ignorant and unwary Muslims gradually from the Divine Shariah.

INDONESIA

The following letter from a responsible Muslim who is very active in the field of Deeni service exposes the evil and sinister designs of MPL. The Brother writes:

"On 10 February 2003, I was sentenced by the state court to 7 months imprisonment, having been found guilty of marrying Islamically without the consent of my first wife. Subhaanallaah! During my trial I was not legally represented to my obvious disadvantage and I was refused bail by deliberate design to intensify my 'punishment'

I have decided not to appeal as the process is time-consuming, and during that process I could be detained on further remand for up to two years. The appeal verdict could increase my initial sentence, and there is little chance of a successful appeal. That's the situation in this "Muslim" country!!!

You should continue to remember me in your dua. In addition, there is another party for whom I wish you to pray to Allah Ta'ala, and that is my second family. They belong to one of our remote villages. They are 10 brothers and sisters, all good Muslims, fine human beings and poor. I married the eldest sister. Their father died about 6 years ago, and there is no

apparent breadwinner except myself. But from jail I can't supply them with anything as I have nothing. Three of the ten are teachers in our 2 Maktab in that village—a Qur'aanic kindergarten and a primary level Madrasah. They are the only family in the village who have Islamic education.

My wife gave birth in late December to my first son without any doctor, midwife or husband being present, relying only on Allah Ta'ala. I have seen the child once here in jail and that's the only time she has left home to visit me. I want you to make dua for that entire family....."

We request all our Readers to make dua for the Brother and his family —the victims of satanic **MPL**. The Brother is an Australian Muslim who has settled in Indonesia and is active in Deeni service, especially the Maktab field. The kuffaar government has invoked the kufr device of **MPL** to victimize him and his family.

BAIL?

Even murderers, debauchers, thugs, drugsters, rapists and the worst scoundrels of the criminal world are all granted bail and are allowed to prepare their legal defence. But, an honourable Muslim is refused bail and sentenced to imprisonment for availing himself of the Divine Consent — Qur'aanic Consent — to enter into the holy bond of Nikah. Responding to the shaitaaniyat of the MPL *Mulhideen* of whichever brand and hue they may be, the Qur'aan Majeed announces:

"Those who do not decide (and rule) according to what Allah has revealed, verily, they are the kaafiroon."

Can there be any doubt regarding the kufr of the MPL crowd of *Zindeeqs* who have assumed the function of subverting the Divine Immutable Shariah of the Qur'aan and Sunnah?

We urge the Ulama to stand up for the Deen. Rasulullah (sallallahu alayhi wasallam) said:

"There will ever remain a group steadfast on the Haqq until the arrival of the Hour. Those who oppose them or abandon them, will not be able to harm them."

DON'T BE DELUDED

Muslims should not be deluded by the false explanations to justify MPL kufr. The kufr of the South African brand of MPL reads:

"No spouse in an Islamic marriage recognized in terms of this Act (i.e. the Kufr Act) may, after the commencement of this (Kufr) Act, enter into a marriage under the Marriage Act during the subsistence of such Islamic marriage."

This Kufr is what the MPL espouses.

KUFFAAR CONSENT

Ignoring the Consent which Allah Ta'ala gives in the Qur'aan to a man who wishes to contract a plurality of Nikah, the MPL Kufr bill states:

"A husband in an Islamic marriage who wishes to enter into a further Islamic marriage with another woman after the commencement of this Act (of Shaitaan-in-Chief) must make an application to the court for permission to do so, and to approve a written contract which will regulate the future matrimonial property system of his marriage."

SHAMELESS

Are the Molvis and the quasi-molvis of the MPL crowd not ashamed of calling themselves Muslims after they have proposed this concoction of kufr in diametric opposition to the Qur'aan Majeed? But Kufr lacks shame. The very nature of Kufr is shamelessness and ingratitude to Allah Ta'ala.

According to the Kufr MPL proposal the non-Muslim secular court may grant permission if in its opinion there are 'qur'aanic' grounds for granting such permission. A host of kufr consequences is spawned by this proposal and the right of the non-Muslim court to decide a Qur'aanic or Shar'i issue.

The consent of the kuffaar court obviously envisages consent of the first wife and usurpation of the man's property as enshrined in the Kufr MPL proposed law of Jaahiliyyah, by ordering the immediate division of the assumed 'joint estate' which is in reality a figment of kuffaar ideology accepted as immutable by the MPL gang.

The very same insidious Acts of Kufr of the MPL measure which led to the imprisonment of the Australian Brother, will be operative in the South African brand of Kufr MPL — acts of kufr which Molvis and quasi-theologians are clamouring for in their audacious and rebellious propagation of their MPL plot to dismantle the Immutable Shariah of Allah Ta'ala.

ZULM AND NAKED KUFR

Every Muslim who has true Imaan will view with consternation and repugnance the following Kufr proposal of the MPL molvis and quasi-theologians:

“A husband who enters into a further Islamic marriage, whilst he is already married, without the permission of the court, in contravention of (the Shaitaan’s) subsection 6 shall be guilty of an offence and liable on conviction to a fine not exceeding R50,000.”

Pressure of their *mulhid* compatriots has constrained the MPL priests to reduce the fine to R20,000 in the revised bill of kufr. But the revision of kufr remains kufr. Reduction of the fine amount does not mitigate the kufr. The very principle underlining the fine is kufr,

and the proposal for which the fine will be imposed is kufr. Thus the whole mess of MPL is kufr multiplied.

Who does the MPL clique think they are befuddling? If they are stupid, others are not. The same evil measures which landed the Australian Brother in jail and which threatened to increase his jail term should he appeal, are part and parcel of the South African Kufr MPL package.

R20,000 or 5 or 10 years in the abode of kufr and najaasat for acting in accordance with Allah’s Consent announced in the Qur’aan!!! Who can now doubt the kufr of the proponents

of MPL?

Whether the fine for acting in accordance with the Law of Allah Ta’ala is R50,000 or R5, it is kufr to tamper with the Divine Shariah and to proscribe the divine consent with the consent of the kuffaar and to penalize what Allah Ta’ala does not penalize.

Every act of kufr proposed by the MPL clique brings them fully within the scope of the Qur’aanic aayat:

“Those who do not decide according to what Allah has revealed, verily they are the kaafiroon.”

THE SINISTER GOAL

Any Muslim who studies the MPL concoction which has been dubbed ‘The Muslim Marriages Bill’ will understand that the aim is not to achieve Shariah law. The aim is the sinister motive of giving recognition to the kuffaar concept of equality of sexes and to give this concept Shar’i acceptance by portraying it as a Qur’aanic concept.

The whole exercise is to promote the concept of ‘gender equality’ which is baseless in Islam. MPL is not concerned with the hardship which women suffer at the hands of recalcitrant men. The objective is nothing but to promote the idea of ‘equal’ rights and ‘equal’ ranks for both men and women to appease the gender-equality mob. Islam outrightly rejects the concept of forging equality between unequals. The Qur’aan categorically negating this kuffaar concept says:

“And for men is a rank above them (women).”

BANEFUL

The type of baneful influence under which the misguided Project Committee functions to prepare its anti-Islam plot is illustrated by the following instruction of one Christa Rautenbach:

“South African Muslim women striving towards a goal of gender equality should actively involve themselves in the process of refashioning Islamic law within the new constitutional dispensation. It is important that they participate in the South African Law Commission’s investigation into Islamic marriages and related matters in order to ensure that their equality rights are in no way compromised in favour of religious and cultural freedoms and rights.”

This is the kind of kufr which the molvi and the quasi-molvi members of the Project Com-

mittee have been indoctrinated with. Their intelligence has suffered almost irreparable harm as a consequence of their consort with a committee of kuffaar.

It is truly deplorable that even molvis who are supposed to be of the Old Guard Ulama-e-Haqq having fallen so disgracefully from the Pedestal of Haqq. Their embrace with the committee of MPL kufr should be fearful admonition for us all. Imaan hovers between hope and fear, said Rasulullah (sallallahu alayhi wasallam). No one has any guarantee that tomorrow he will be the same Mu’min of yesterday. May Allah Ta’ala protect us and keep us all firm on Imaan until the end, and may Allah Ta’ala guide our errant brothers who have strayed from *Siraatul Mustaqeem* for the sake of the dunya.

THE ROLE

While the Qur’aan commands Muslim women to remain indoors and to attend to the home affairs — the role for which Allah Ta’ala has created them — the proponents of kufr slinking in Muslim guise and colours with hearts saturated with *ilhaad*, advocate the diametric opposite — abandonment of the divine role and adoption of lewd exposure in the avenues of immorality. This is the kind of characters with which the MPL molvis and quasi-molvis consort. What other than kufr can be expected from this committee bent on getting its creed imposed on Muslims?

A CLUTTER OF ERROR AND MISCONCEPTIONS

The MPL commission has been endeavouring to create an image of professionalism for itself. It wishes Muslims to believe that its members are experts of the Shariah and qualified to voice opinions on Islam. But the exact contrary is the truth. The very bill of kufr it has gorged up is replete with misconceptions and gross errors which adequately portray the incompetence of the members of this committee seeking to direct the destiny of the Muslim community. Some of these misconceptions will be explained in these pages, Insha’Allah.

MAHR — DOWRY

Defining *Mahr* (Dowry) in its revised bill of kufr, the committee states: *“dower (mahr) means the money, property or anything of value, including benefits which must be payable by the husband to the wife as an ex lege consequence of the marriage itself in order to establish a family and lay the foundations for affection and companionship.”*

This is a gross misconception and an erroneous definition of *Mahr* in terms of the Shariah. The aim and object of payment of the *Mahr* is not to establish a family and lay the foundations for affection and companionship. The members of the committee have sucked this fiction from their thumbs for presenting an ‘enlightened’ picture of Islam. The *mahr* has no role whatsoever in the achievement of the aim and object stated in the erroneous definition.

Mahr is not a requirement for the validity of the *Nikah*. Even if the *Mahr* is waived by the woman, the *Nikah* with all its consequences

remain unaffected. According to the Shariah, the payment of *Mahr* is a token of respect and in lieu of *Mielk-e-Budha*’ (the right to derive sexual benefit from the wife). The talk of ‘affection’ and ‘companionship’ as consequences of *Mahr* is bunkum. Nowhere in the Shariah is *Mahr* defined in the way the inept committee has presented.

Since *Mahr* is in lieu of *Mielk-e-Budha*, the wife has the right to deny consummation of the marriage as long as the husband has not paid her *Mahr*. In spite of the validity of the *Nikah*, she will not be described as *naashizah* (grossly disobedient) for withholding herself from her husband should he refuse to pay the *Mahr*. And, she will still be entitled to maintenance.

The molvi sahib and the quasi-molvi who may have dictated the erroneous definition to the incompetent and Islamically ignorant members of the MPL kufr committee need to return to Madrasah for a while to gain a better understanding of these issues before setting themselves up as experts of the Shariah.

BENEFITS?

Mahr excludes *benefits* which the inept committee of MPL has included in its corrupt definition. We, that is perhaps more than 50% of the Muslims of South Africa subscribe to the Hanafi Creed, not to the MPL kufr creed. The Maaliki view which the roaming ‘holy’ cows (the ghair muqallid), inept and unqualified committee members have lapped up from a defective research of the kutub of Fiqh, cannot be imposed on those who follow the Hanafi Math-hab, neither Islamically nor constitutionally because the secular constitution of this country guarantees “freedom of thought, opinion and religion”. Thus, MPL kufr creed cannot lawfully and constitutionally be imposed on those who follow the Hanafi Creed of the Ahlus Sunnah Wal Jama’ah.

SILENT KUFR

“He who today engages silently in kufr will come to his senses in the coma of Death.”

(Akbar Ilaahbadi)

FASKH

Faskh or annulment is defined by the MPL conglomeration as: “*Faskh means a decree of dissolution of marriage granted by a court, upon the application of husband or wife, on any ground or basis permitted by Islamic law. Including in the case of a wife, any one or more of the following grounds, namely where the.....*”

We shall first discuss this definition, then turn our attention to the erroneous grounds presented by the committee for annulment.

The Shariah does not stipulate the imperative need of a court for a decree of *faskh* (annulment). The context in which the MPL gang uses the term and the emphasis it has given this word ‘court’ in its definition have been designed to convey the impression that a non-Muslim court is empowered to issue a decree of dissolution of the Nikah whereas firstly, there is no imperative need for a court, be it a Muslim court, for decreeing *faskh* of Nikah, and secondly, any decree of annulment issued by a non-Muslim court is not valid in the Shariah.

While the need for a legal court will be a stipulation in Daarul Islam, it is not a requisite in Daarul Kufr — and all the lands of Muslims today are Daarul Kufr with the exclusion of Saudi Arabia which, inspite of being Daarul Fisq wa Fujoor, is not Daarul Kufr.

Then, the issue of *faskh* comes into play upon an application made by the wife, not by the husband. The husband has the power of issuing Talaaq which the wife does not have to the chagrin of the Gender Equality campaigners and their MPL lackeys. The husband need not apply for a decree of dissolution when he can invoke his right and power of issuing Talaaq without recourse to anyone or any institution or court.

Since the MPL crowd is being led on by the nose by the gender equality mob, it was constrained to introduce the husband into its corrupt definition of *faskh* so that the impression is traded that men and women have equal rights and rank in Islam — a hypothesis which has absolutely no validity in the Divine Shariah of the Qur’aan and Sunnah.

Among the grounds presented for *faskh* by the MPL committee is:

“the husband is missing, or his whereabouts are not known, for a substantial period of time (Mafqud al-Khabar).”

The use of Islamic terminology, *Mafqud al-Khabar*, in this case, by the incompetent committee which has no true truck with Islam, is indeed laughable. The only reason for employing Islamic terminology is to give the impression of ‘expertise’. The crave is to sound Islamically legal and well-versed. But the miscreants lack

proper understanding of Islamic terms, hence their corrupt and erroneous definitions and interpretations.

Mafqudul Khabar is a husband who is missing and whose whereabouts are unknown. But besides the term, there is nothing else which is Islamic in the ground presented for annulment by the MPL bill. Firstly, a court in whose composition there is even one non-Muslim is not an Islamic court. Its decree is not valid.

Furthermore, if the group/committee or

THE GROUNDS

Muslim court consists of even one Faasiq such as the beardless members of the western legal fraternity, then the decree of such an institution is **haraam** in terms of the Hanafi Math-hab and NOT valid in terms of the Maaliki Math-hab from whence the masail of recalcitrant husbands and *Mafqudul Khabar* have been extracted.

Should the quasi theologians of the project committee seek to con-

test this claim by reference to the Hanafi math-hab on the issue of the *fisq* of the Qaadhi, we shall, Insha’Allah, present an adequate refutation to dismiss the stupidity which may be tendered in justification of beardless *fussaaq* posing as valid qaadhis.

METHODOLOGY

The Shariah has a defined and a restricted methodology for the process of *Faskh*. It is not an ambiguous issue subject to the whimsical interpretation of a committee or court heavily inebriated with western ideas and indoctrination — diseases which ail the western legal fraternity even if they be Muslims. The stupid and vague MPL bill is silent on this methodology. The project committee should at least have studied the marriage Acts of the secular law so as to present some emulative product to sound legal in western terms. But as the bill stands, it is indeed a very poor attempt in imitation, in fact it sounds and appears like junk.

The attempt to sound legal in the western sense is insipid and laughable. This is the way hybrid brains operate. In the words of the Qur’aan: “*They are neither this nor that. They dwell in suspension (in confusion) between this (i.e. between two paths).*”

COURT?

Just from where did the committee suck out the imperative need of a court for a decree of dissolution? South Africa is not Daarul Islam. The question of ‘court’ does therefore not arise. The functions which an Islamic court performs in the domain of marriage

and divorce — and this is not called ‘Muslim Personal law’ — in the Shariah can be executed by even a Committee of ordinary pious (i.e. not faasiq) Muslims, even layman as long as they have the guidance of the Ulama.

The Shariah has made available this option in Daarul Kufr where the institution of Islamic Courts does not exist nor apply. This option, namely committees to decide matters of marriage and divorce, has been incorporated into the Hanafi Math-hab from the Maaliki Math-hab, hence its applicability will be with ALL the *Sharaait* (necessary conditions) imposed by the Maaliki Math-hab. Selective adoption is **haraam**. The inept members of the project committee browse through Maaliki Fiqh literature and choose at random what suits their westernized palates.

A ruling of a Math-hab without the requirements for its validity will be torn out of its context and accepted solely to satisfy the western-thinking process of those who have become the slaves of western ideologies of *fisq* and *fujoor* such as the gender equality concept.

IMPORTANT

While the aid of the non-Muslim or secular coercive agencies and institutions of Daarul Kufr may be enlisted to enforce Islamic Rulings of a purely Islamic Institution devoid of any faasiq and non-Muslim participation, ‘Islamic’ rulings administered by a non-Muslim court or a hybrid ‘muslim’ court whether such court is composed of only Muslims, but with fussaaq participants, or it happens to be an admixture of Muslims and non-Muslims, are NOT valid and cannot be imposed on Muslims. Thus, faskh or talaaq decrees of the type of court envisaged by the MPL clique, will simply not be valid in the Shariah.

MAINTENANCE

Among the grounds for annulment mentioned in the revised MPL bill is maintenance which reads:

“husband fails to maintain his wife (Adam al-Infraq).”

Failure to pay maintenance is undoubtedly a valid ground for an application of annulment. However, there is a wide difference in the definition and meaning of maintenance in the two systems. The meaning of maintenance

in the Shariah differs substantially from the meaning which the secular court understands. The provisions of the MPL bill are all subject to the interpretation of the secular non-Muslim courts which are bound to operate within the confines of the secular constitution. Besides the constitution, the secular court will necessarily view all issues in the light of western law, not in the light of the Shariah.

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MENTAL ILLNESS

Another ground for faskh presented by the committee is:
“husband is mentally ill, or in a state of continued unconsciousness as contemplated by section 5 of the Divorce Act, which provision shall apply, with the changes required by the context (Junun).”

An extremely weak attempt in the whole exercise of deception. Is section 5 of the

Divorce Act a Shar’i Act? Does it conform to the Shariah. Why should mental illness, etc. not conform to the interpretation of the Shariah? Why does it have to be submitted to the kuffaar section 5 of the Divorce Act? A blend between the Shariah and the laws of the kuffaar is kufr and baatil. It is not the Shariah of Allah Ta’ala. Every Muslim layman can understand this simple fact.

OBLIGATIONS AND JUSTICE

Among the grounds for annulments tendered by the committee, is failure “to perform marital obligations” and failure “to treat the wife justly”. Whereas these terms are ambiguous, vague and subject to the interpretation by the secular court, they are defined and restricted by the Shariah. In terms of MPL logic, the interpretation of the secular court will decide these issues, not the Shariah.

Marital obligations and just treatment will be interpreted by the secular court in the light of the gender equality theory. Even if the secular court accepts the narrow Shar’i meanings of these terms, the rulings of such courts will simply hold no validity. On the basis of only this one Shar’i requirement, the entire bill of kufr stands rejected. It is totally untenable with the Divine Immutable Shariah.

THE RIGHT OF TALAAQ

Displaying colossal *jahaalat* or perhaps deception, the project committee states in its bill of kufr:
“Talaq means the dissolution of a Muslim marriage, forthwith or at a later stage, by a husband, or his wife or agent, duly authorised by him or her to do so, using the word Talaq or a synonym or derivative thereof in any language, and includes the pronouncement of a Talaq pursuant to a Tafwid al Talaq, and application of this Act” (of Kufr). No Math-hab defines Talaaq in this highly erroneous way. Every ignoramus is aware of the irrefutable fact that in Islam the right of Talaaq vests in ONLY the husband, not in the wife. The wife has absolutely NO right of issuing Talaaq. She can utter and howl Talaaq a thousand times without it having the slightest effect on the validity of the Nikah.

DISCORD

The following ground for annulment is a glaring piece of falsehood:
“discord between the spouses has undermined the objects of marriage, including the foundational values of mutual love, affection, companionship and understanding, with the result that dissolution is an option in the circumstances (Shiqaaq).”
According to the Hanafi, Shaafi and Hambali Math-habs, discord is not a ground for *faskh*. While according to the Maaliki Math-hab the arbitrators have the authority to annul a marriage in their sole discretion after a Shar’i process has been followed, this is not a licence for the type of annulment envisaged by the kufr MPL. This provision of the ridiculously mixed-up bill has been selectively and incorrectly adopted from the Maaliki

books by the quasi-theologians without fully understanding the process which leads up to the invocation by the arbitrators of their authority to annul a marriage.
Besides, the Maaliki standpoint, the other three Math-habs do not accept the authority of the arbitrators to annul a Nikah. Even if the hybrid bill has to fully incorporate the Maaliki process, then too, it cannot be imposed on the followers of the Hanafi and Shaafi creeds, neither Islamically nor legally in terms of the secular law because the secular constitution guarantees every citizen freedom of opinion, thought and religion. Ours is the Hanafi religion, not MPL kufr religion.
THE MATH-HABS
It is Islamically unlawful for the project committee consisting of Islamically unqualified personnel to select from the Math-habs views, especially views out of context. There is not a single competent per-

son serving on the project committee who has the qualifications to extract and select for adoption masail from the Math-habs. This random selective exercise of the quasi-theologians bears testimony for their incompetence and their lack of understanding of the gravity of the crime they are guilty of. Fools rush in where angels fear to tread.
Men who are anchored to the opinions of *fussaaq*, *fujjaar* and *faajjiraat*, men who are constrained to listen to what the women’s lib crowd has to say, men who have to entertain the views of people of a variety of kufr persuasions cannot speak on behalf of Muslims, least of all on behalf of the Shariah.

CRUELTY

Among the grounds for annulment presented by the committee of kufr is:
“husband treats his wife with cruelty in any form, which renders cohabitation intolerable (Dharar).”

This is another deceptive attempt to mislead the ignorant and the unwary. By mentioning the Islamic term, *dharar* (harm) the votaries of kufr MPL are hoping to convey the impression that the falsehood they have stated will be accepted as a fact of the Shariah. “Cruelty in any form” is simply a deceptive way of bringing the Shar’i meaning within the scope of the western understanding of the term. What may be cruel to the western legal fraternity, is not necessarily cruel in Islam, and will not constitute a ground for annul-

ment.
The kuffaar have something called statutory rape which is an absolute stupidity and injustice according to Islam. There is no such concept in Islam. The project committee members are endeavouring to hoodwink Muslims with the phrase, “in any form”.

The idea of cruelty which the project committee mob has presented has no validity in the Shariah and does not constitute a ground for annulment. They lack understanding of the meaning of *dharar*, but they cite it to pull wool over the eyes of Muslims.

TAFWEEDHUT TALAAQ

It will be interesting to hear what the latest definition of *Tafweedhut Talaaq* (Delegation of Talaaq) is according to this committee. In its earlier discussion paper 101, this committee defined it as follows:
“Tafwid ul Talaq means the delegation by the husband of the right of Talaq to the wife...”

In the light of awarding women the right of Talaaq, this definition is incongruous. Furthermore it is repugnant to the gender equality mob. The logic of the gender equality kufr demands that women too have the right to delegate Talaaq. This is precisely what the revised bill has provided for in its ambiguous and highly erroneous definition of Talaaq.

The interpretation of the secular court will surely be that women too enjoy the right of *Tafweedut Talaaq*. The court will necessarily decree that a woman can appoint an agent to divorce her husband. This is the logical consequence of the kufr theory of women having the right of Talaaq. The poor molvi sahib and his quasi-molvi assistant should declare unambiguously their belief that:

- (1) Women have the right to issue Talaaq in the same way as men have.
- (2) The Tafweedut Talaaq law applies equally to men and women.

In other words, just as the husband can delegate the right of issuing divorce to his wife, to any person, so too can the wife delegate the right of divorce to any person, i.e. the wife can instruct a person to issue divorce to her husband whenever he deems this necessary. Let the project committee members make bold these kufr ideas.

PERMISSION

The MPL stipulates that a minor may marry only with the permission of both parents. This too is *baatil*. According to the Shariah of the Qur’aan and Sunnah, the permission of the father or paternal grandfather in the absence of the father, suffices for the validity of the marriage of a minor.
It should also be understood that there is a vast difference in the meaning of ‘minor’ in the two systems. While a minor in the context of the kufr MPL measure is a person under 18, in the Shariah a minor is one who has not attained puberty. In all cases a minor becomes an adult at the age of 15.

APPLICATION OF THE ACT

The revised MPL proposal states:

"The provisions of this Act shall apply to a Muslim marriage contracted before the commencement of this Act. Provided that the parties shall be entitled, within a period of 12 months, or such longer period as may be prescribed, as from the date of such commencement, jointly to elect in the prescribed manner not to be bound by the provisions of this Act, in which event the provisions of this Act shall not apply to such marriage."

Islamically this provision of kufr does not apply to any Muslim marriage. Any imposition beyond what the Shariah has imposed is *baatil* (baseless and invalid). It is an act of injustice to impose on Muslims something which the Shariah never ever had imposed.

Constitutionally, i.e. in terms of the country's secular constitution, this provision is also invalid and it can be challenged in the constitutional court even if it is accepted and enacted as law. South Africa is a secular state. The law may not discriminate against any section of the population nor against an individual citizen on the basis of creed, colour or sex. This is a principle enshrined in the secular constitution, and the constitution is supposed to be the overriding authority. No law, not even Divine Law, is above the secular constitution in terms of the kufr ideology which the project committee members have to appease and

for which purpose they are mutilating Allah's Shariah.

If the aforementioned provision of the kufr MPL Act will automatically apply to Muslim marriages in the manner stated, then it will have to apply uniformly to all sections and all individuals of the country's population because the law may not discriminate on the basis of creed. If a Christian or a Jew or a Hindu has the constitutional right to claim that he has no need to make any joint election with his wife to be exempted from the provisions of this confounded Act, then a Muslim, in terms of his constitutional right, has the very same claim and right. Should the law seek to discriminate against the Muslim and impose on him what it will not impose on other members of the populace, it will be tantamount to discrimination on the basis of creed. This is unlawful and will most certainly be struck down by the constitutional court.

Those whose conscience allows them to opt for kufr provisions are at liberty to do so at the peril of their Imaan. But these kufr and unconstitutional provisions cannot be automatically imposed on unwilling Muslims.

The project committee which has no affinity with the Ulama has been eager in its endeavour to give legitimacy to its kufr proposals by hiding behind the apron of Hadhrat Mufti Taqi Uthmaani Saheb. Every now and again we hear that Mufti Taqi Saheb has endorsed the views and proposals of the project committee's kufr MPL. Commenting on this deception, Mufti Ebrahim Desai, states: *"It is interesting to note that the project committee has time and again tried to hoodwink the public into believing that they have the full support of the Ulama. They are often hasty to take the name of Mufti Taqi Uthmani and the United Ulama Council."*

MUFTI TAQI UTHMAANI

Mufti Taqi Uthmani was present at a meeting convened in Durban by the United Ulama Council of S.A. where the issue of age restriction was discussed. At that meeting the following resolution was taken: "(4) the provision of S.5 (1) - referring to Issue Paper 101 - relating to the minimum age of requirement be excluded." So much for the support of, and compliance with Mufti Saheb and the UUCSA."

To this we add that even if Hadhrat Mufti Taqi Saheb had complied or may comply with the MPL bill, it

(the bill) will be viewed, studied and rejected on the basis of the Shariah. No one's view is binding nor can it be imposed on Muslims if it conflicts with the Shariah of Allah Ta'ala.

Mufti Taqi Uthmaani Saheb, himself has acknowledged that he had not even studied the draft bill. He was therefore not in position to comment authoritatively on the provisions of the bill.

THE AGE OF MARRIAGE

The kufr MPL bill states:

"For a Muslim marriage entered into after the commencement of this Act to be valid - (d) the prospective bride and groom must, subject to subsection (4) and (5), have attained the age of 18 years"

The Qur'aan and the Sunnah —the Divine Shariah — do not stipulate that the age of 18 is a requirement for the validity of Nikah. Yet the proponents of this miserable MPL measure seek to proscribe the Qur'aan by prescribing such conditions and restrictions which never had applied to Muslims from the time of Rasulullah (sallallahu alayhi wasallam). Is this not an example of the glaring kufr propagated by the molvi and quasi-molvi of the project committee?

When Allah's Shariah regards as valid the marriage of a Muslim adult of 15 years even without the consent of parents/guardians, who then are these *mudhilleen* and *mulhideen* of MPL to seek to impose a new shariah of their nafs on the Muslim community? There is truly a sinister plot underlying the whole MPL exercise, hence the desperation and exasperation displayed by the emotional exhibitions and tirades of the mem-

bers of the committee of kufr when they are engaged in discussion.

In terms of the kufr MPL provisions the Nikah of Hadhrat Aishah (radhiyallahu anha) to Rasulullah (sallallahu alayhi wasallam) was invalid because it contravenes the confounded 'subsections' of this confounded MPL kufr proposal. She was way under 18 when she was married to Rasulullah (sallallahu alayhi wasallam). The molvi sahib of the project committee should reflect. He is of an advanced age which brings a man into close proximity of the Qabr. Is he prepared to barter away his Aakhirah for some unknown miserable worldly gain— a process which requires subversion of Allah's Deen?

With what conscience can even a lay Muslim claim that a Nikah which is valid according to the Qur'aan is not valid? What has happened to the intelligence of these men who fail to discern the path of kufr they are plodding. Has their intelligence truly reached the stage of *maskh* (disfiguration and ruin)? May Allah Ta'ala save us from such a calamity.

MAJORITY

Commenting on this blatant infringement on the constitutional rights of the Muslim community, Mufti Ebrahim Desai of Daarul Ifta, Camperdown states:

"We, supported by the majority of the Ulama (and the majority of the Muslims and by the full force of the Shariah —Al-Haq), would like to exercise our constitutional right in this respect. We do not regard the Bill to be compliant with the Shariah as we understand it. If a party has some interpretation of the Shariah, then they

should not impose their interpretation on us. We would therefore request the authorities to exclude all Muslim marriages from the provisions of the Bill. Thereafter, those Muslims whose conscience allows them to enter into the hybrid system of Law may apply to be governed by this Bill. Therefore, if the Bill does ever go ahead, this clause should be revised (and scrapped)."

Polygamy in Islam is just as permissible as monogamy. A man is allowed a maximum of four wives. There is no legal restraint in the Shariah to regulate polygamy. This institution was never regulated by Rasulullah (sallallahu alayhi wasallam) nor the Sahaabah nor by anyone at any stage in the history of Islam. In this age of lewd modernism in which immorality, promiscuity, extra-marital relationships with a dozen and more women with all their vile consequences of illegitimacy, filthy diseases, etc. are all accepted as part of the enlightened western culture, even molvis have jumped on the kuffaar bandwagon of regulating sacred Nikah unions which the Shariah of the Qur'aan allows.

Such impediments have been mooted to practically terminate the Shar'i Institution of polygamy without overtly declaring its abolition. The Qur'aanic advice to marry only one woman in the event of a man being unable to acquit himself justly towards his wives, is of moral significance. It does not have legal import. The authorities of the Shariah from the time of Rasulullah (sallallahu alayhi wasallam) did not regulate polygamy nor ever

REGULATING POLYGAMY

issued a decree of invalidity of a polygamous marriage in which the husband conducted himself with injustice.

MONOGAMOUS

The interpretation of the modernist quacks and molvis of the same ilk has no validity in Islam. The moral code of Islam applies equally to both monogamous and polygamous marriages. Justice, affection, love, injustice, cruelty and wife-abuse apply equally to both types of marriages. Why then do the miscreants single out polygamous marriages for regulation? Why are they so eager to restrain polygamous marriages when the incidence of wife-abuse is more rife and applies to a far greater degree to monogamous marriages. Wife-abuse in monogamous marriages has become the order of the day in the society of the modernists. They are the worst criminals

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REGULATING POLYGAMY

(Continued from page 6)
in this respect.

Comparatively speaking, wife-abuse in a polygamous society is negligible. If wife-abuse should be a valid reason for regulating polygamous marriages, then to a greater degree should it be a valid reason for regulating monogamous marriages. But the hidden agenda underlying the attack against polygamous marriages is the kuffaar concept of gender equality which the renegade molvis and their half-baked theologian supervisors are at pains to hoist onto the Community of Islam for some sinister reasons known best to themselves.

The authorities of the Shariah have stated clearly that the Imaan of those who view polygamy ad-

versely is at stake. In the case of the wretched MPL context, they are actively conspiring to ban this lawful institution of Islam, hence the introduction of stupid conditions to make polygamy impractical.

STRATAGEM

Regulating polygamy is a deceptive stratagem for outlawing or abrogating an institution which Allah Ta'ala has made lawful. There does not exist the slightest shred of evidence anywhere in the Shariah for the legality of provisions to regulate polygamy in exactly the same way as monogamy may not be regulated. How can there be Shar'i evidence for the legality of kufr? Again we remind

the molvis who have embarked on this kufr exercise:

"Those who do not decree according to what Allah has revealed, verily, they are the kaafiroon." (Qur'aan)

Those who tamper with Allah's Law are not mere kaafiroon. The Qur'aan Majeed severely castigates them with three epithets:

"Verily, they are the faasiqoon; Verily, they are the zaalimoon; Verily, they are the kaafiroon."

HUSBAND'S ABILITY

The MPL kufr proposal in its endeavour to terminate the Qur'aanic Institution of polygamy introduces the following restraint to make polygamy practically impossible:

"When considering the application in terms of subsection (6), the court must grant approval if it is satisfied that the husband is able to maintain equality between his spouses as is prescribed by the Holy Qur'an."

This provision is a gross misuse and misinterpretation of the Qur'aanic permission to marry more than one wife. Never in the history of Islam was polygamy proscribed by any Qaadhi or Islamic court which had perhaps felt that the husband would be unable to mete out equality to his spouses.

If permission to marry a second wife is to be regulated by the satisfaction of a court, and that too a kuffaar court or a hybrid court which can never be labelled Islamic, then in the cause of fairness, justice and equality, the MPL mob should have introduced the very same restraint for even a monogamous marriage. The court should not grant a man permission to marry even one woman if it has not been satisfied as to the ability of the man to maintain his wife with justice as prescribed by the Qur'aan. Why is the attack directed only at polygamy? Obviously to satisfy the homosexual/lesbian cults of the gender equality crowd of the western world.

A court's permission is not required for the validity of a monogamous marriage nor does the MPL provide for such permission to be sought. What has constrained the MPL committee to provide for a court's permission as a requirement for the validity of a polygamous marriage which is Qur'aanically valid without any such permission?

EQUALITY

Equality in the Shariah does not have the same meaning as equality in the western cult. While the superior rank bestowed to man by Allah Ta'ala militates against the equality conception of the desexitized mob, it fully conforms with the rights and honour which Islam bestows to females. Islam rejects the equality concept of western democracy.

Numerous Shar'i laws debunk the western ideal of equality of sexes. The disparity between man and woman, divinely ordered, exists in almost every institution of Islam. The roles of the sexes are distinct and apart. When males begin giving birth, then there will be some validity for entertaining the western idea of the equality of sexes.

A WARNING FOR THE ULAMA

At this juncture it will be appropriate to sound a warning to the Ulama. Ulama in this context here refer to the Ulama-e-Haqq, not to those who have sold their souls, sold the Muslim community, sold the Deen, and who have betrayed Allah and His Rasool.

The Qur'aan and the Ahadith of Nabi (sallallahu alayhi wasallam) reprimand and condemn in very strong terms those who follow the way of the Yahood and Nasaaraa, who were adept in the crime of tampering with and altering the Shariah of the Taurah and Injeel.

Some members of the Fraternity of Ulama-e-Haqq who in spite of recognizing the grave dangers of MPL kufr and in spite of understanding the kufr manipulations of the renegade molvis and quasi-theologians, deem it a demand of 'hikmat' to acquit themselves ambiguously in a bid to avoid controversy with the Ahl-e-Baatil into whose camp the MPL molvis have taken

refuge.

By this attitude of ambiguity and flabby dissociation, a grave disservice is being rendered to Islam. This attitude of inordinate fear for drawing flak is tantamount to concealing the Haqq and abandoning Amr Bil Ma'roof. If there was any threat to life or limb in proclaiming the Haqq, then such a weak attitude would be understandable and even acceptable, and perhaps a valid example of 'hikmat'. But this is not the case with MPL kufr.

It is imperative for the Ulama-e-Haqq to boldly and unambiguously proclaim the Haqq thereby acting in obedience to Rasulullah's command "Proclaim the Haqq even if it be bitter."

EQUALITY AND THE COURT

Should even a validly constituted Islamic court, i.e. the Qaadhi, be convinced that a man will not fulfil the demands of equality, then too, he cannot prohibit a second marriage. And, should he issue a decree of prohibition, the man is fully entitled to contract a second, a third and a fourth Nikah without reference to anyone.

The court's prohibition will not have the slightest effect on the validity of his plurality of marriages. There is absolutely no difference in a man's right to marry a first, a second, a third or a fourth wife. It should therefore be well understood that the drivel which clutters the MPL bill is kufr — such kufr which expels its proponents from the fold of Islam. And, why should it not, when the Fuqaha have decreed: "Miswaak is Sunnah, but to reject it is kufr."

LET THE MOLVI ANSWER

MPL states: "A husband who enters into a further Muslim marriage, whilst he is already married, without the permission of the court, in contravention of subsection (6) shall be guilty of an offence and liable on conviction to a fine not exceeding R20,000."

The MPL molvi should answer: Is this principle of zulm and kufr in conformity with the Qur'aan — with the Sunnah — with the Immutability of Shariah of Allah Ta'ala? Does the Shariah allow the imposition of this absurd amount to be usurped from a Muslim? Can a man remain a Muslim if he proscribes Allah's Law with such absurdities?

CROOKEDNESS OF KUFR

"O our Rabb! Do not make our hearts crooked (with kufr) after You have given us the Hidaayat (of Imaan), and bestow to us Your Rahmat. Verily You are the Bestower (of all things)." (Qur'aan)

THE MPL TALAAQ PROPOSAL

The Shariah of the Qur'aan — the Law of Allah Ta'ala — decrees that the right of Talaaq is vested in only the husband; that Talaaq comes into immediate effect by the utterance of the husband; that witnesses are not a requisite for the validity of Talaaq; that Talaaq requires no registration; that abstention from registration of Talaaq is not an offence in the Shariah; that a court, least of all a non-Muslim court, cannot override and annul a Talaaq issued by the husband. Let us now see what the Kufr MPL bill proposes in regard to Talaaq. The MPL molvi states in the MPL proposal:

"In the case of Talaq the following shall apply: The husband shall be obliged to cause an irrevocable Talaq to be registered immediately, but in any event, by no later than 30 days after its pronouncement, with a marriage officer in the magisterial district closest to the wife's residence, in the presence of such wife or her duly authorised representative and two competent witnesses."

Every word in this confounded proposal of kufr is in violent conflict with Allah's Shariah. The kufr MPL bill proceeds to decree a man's Qur'aanic right of not registering Talaaq, to be a criminal offence not much different from rape, fraud and debauchery. Thus, the MPL molvi's proposal reads:

"Any husband who knowingly and wilfully fails to register the irrevocable Talaq in accordance with this subsection shall be guilty of an offence and liable on conviction to a fine not exceeding R5000." (And what about the prison term of a couple of years in the event of the husband's inability to afford this zulm which shaitaan has whispered into the heart of the MPL molvis?—Al-Haq)

It is not difficult for even unlearned Muslims to understand that the MPL crowd in general, and the MPL molvis and quasi-theologians in particular, have proposed that a Qur'aanic right granted by Allah Ta'ala be banned and criminalized. Commenting on this kufr provision, Mufti Ebrahim Desai of Camperdown states: *"The Court will consider a talaaq to be in existence if it is duly registered. This implies that an unregistered talaaq is not considered. The Shar'ee position is that the talaaq is effective even if the husband did not inform a single soul thereof. This would also apply if the wife were not informed thereof."*

The outcome of this disparity would be that the status of the spouses in the view of the court and in the view of the Shariah may be diametrically opposite. The court may consider them to be in wedlock by virtue of not having registered the talaaq, whereas the Shariah considers them out of wedlock. The consequences would obviously be far reaching.

Members of the project committee admit that the position of the court would at times definitely differ from the Shar'ee position. (Can these members still be considered to be Muslims? - Al-Haq)

Some of the repercussions of this could be disastrous for the Ulama in particular. To understand this, one should bear in mind that nikah produces certain rights, and at times, talaaq produces certain rights. If a court regards a nikah that is invalid in terms of Shariah to be legally valid, the court confers on the party/parties such rights that are illegitimate in terms of the Shariah. The same would apply in the reverse. However, in terms of S (8 (12) of the Bill, one may not intentionally prevent a person from exercising his/her right conferred

by the Bill. Assuming the courts regard the nikah to be valid, whereas in the Shariah it is not valid, the Bill confers on the assumed wife the right of maintenance, etc., whereas in Shariah, since the nikah has terminated and the iddah has expired, she has no such right. In fact, in such circumstances it will be Haraam for her to use the legal loophole and claim maintenance from her assumed husband. If an Alim has to prevent her from making such a Haraam claim, he is guilty of a crime (in terms of kufr MPL proposals —Al-Haq). If, for example, her Deeni conscious father applies pressure on her to ensure she does not make such a Haraam claim, he too is guilty of an offence (in terms of the kufr MPL bill —Al-Haq).

This offence is no light matter. It is no joke for an Alim or father to spend one year in jail for propagating the Shariah. Not only has the project committee messed with the Shariah, but they have also attempted to push down the throats of every citizen their (kufr) interpretation of the Shariah. This clause makes the court a sort of a speech police, to silence all those who do not conform to their muddled concoction of Shariah and secular law. Draconian would probably be too light a description for this proposal.

Registration of talaaq is not a Shariah requirement, even in a fully-fledged Islamic state. In fact, it is not preferable. Penalising a person for the non-commission of an act imposed on him by those who have no authority to do so, is another example of Zulm."

USURPING THE HUSBAND'S WEALTH

In a brazen attempt to impose on Muslims the western legal stratagem of usurping a husband's wealth, the MPL votaries of kufr propose in their ludicrous bill of kufr:

"A court granting or confirming a decree for the dissolution of a Muslim marriage (b) Must, if it deems it just and equitable, in the absence of any agreement between the parties to the marriage regarding the division of their assets, order that such assets be divided equitably between the parties, where a party has in fact assisted, or has otherwise rendered services, in the operation or conduct of the family business or businesses during the subsistence of the marriage."

It is difficult to grasp the degree of disfiguration which has affected the thinking process of molvis who are supposed to be learned in the Shariah. The dumbest molvi on earth will readily understand the severity of the *hurmat* of the type of usurpation of a man's assets which is being proposed by the MPL clique. We do not believe that the MPL molvi and even the MPL quasi-theologians have failed to comprehend the evil and the total unacceptability by the Shariah of the extortion and usurpa-

tion which has been proposed in the aforementioned provision of the MPL kufr bill.

While they have strayed far, very far from the Path of the Qur'aan, we cannot accept that the molvis of the MPL are ignorant of the fact that what they have proposed in this provision is in violent and diametric conflict with the Shariah. We can only conclude that the degree of worldly and nafsani *hirs* has blinded their intelligence and Imaani conscience, hence they can so brazenly press for the legalization and imposition on Muslims of something which Allah Ta'ala has made unequivocally **Haraam**.

EQUITABLE

Usurpation of the husband's wealth is described 'equitable' in kuffaar ideology. The MPL molvis have accepted this concept of equitability at the cost of rejecting the Shariah of the Qur'aan.

According to the Shariah, usurpation can never be termed an 'equitable division'. How can theft and robbery be described as being an equitable division of the loot between the true owner and the looter/robber/thief? Even if usurpation, theft, looting and robbery are le-

galized by kuffaar law, these evil acts will remain haraam in Islam. No amount of respectable and flowery designations such as 'equitable' and 'just' division can legalize such vile misdeeds in Islam.

MISCREANTS

The MPL miscreants have attempted to impose the kuffaar property systems on Muslims. And, in this attempt they had no alternative other than ripping off their mask of deception under which they are operating and presenting their acts of kufr. In a most shameless manner have they stated exactly what the kuffaar matrimonial property systems envisage. Commenting on this kufr, Mufti Ebrahim Desai of Camperdown says:

"This is another ludicrous clause of the Bill in direct contravention of the Shariah. In the Shariah, remuneration for services rendered can only be claimed if there was a contract. In the absence of an agreement, all proceeds of the Business belong to the owner/s. Such 'equitable' division would be termed oppression in the Shariah. It will only serve in filling the usurper's belly with Haraam."

AN EYE OPENER

Commenting on the ludicrous and lewd manner in which the unqualified members of the project committee pick and choose views from the books of Fiqh, Mufti Ebrahim Desai states:

"This should be an eye opener for the Ulama. Even before the Bill has come into effect, we have those who are not qualified in the science of issuing Fatwa superseding the Ulama and deciding on their own what views are acceptable and what are not. One could well imagine what the case would be after the secular judges are given such powers. One can never expect them to follow the due procedures required for issuing Fatwa. Every Tom, Dick and Harry would be a Mufti in his own right (in his corrupt imagination),"

And how can they ever be expected to follow Shar'i procedures when they are entirely ignorant of Islamic knowledge and either extremely defective in Imaan or devoid of Imaan.

CUSTODY OF MINORS

Regarding the issue of custody of minors, the determinant is the secular court's right of considering *"the welfare and best interests of the child"*. Although this is the aim of *Hadhaanah* (Custody and Care), the 'welfare and best interests of the child' are decided by the Shariah, not by the secular court which will most certainly view the welfare of the child in the light of secular kufr ideology.

The secular court cannot be expected to uphold the Shar'i laws of custody. The vagueness with which the terms of *Hadhaanah* are couched in the MPL bill, the ambiguity, the insane desire to satisfy the gender equality clan, the background and kufr training of western magistrates and judges, etc. are all factors which preclude a truly Islamic interpretation based on Shar'i principles. These factors not only allow, but constrain the dominance and prevalence of kufr ideological influences to colour the interpretation which the secular court will make when having to decide what exactly is meant by the "welfare and best interests of the child".

The Islamic concept of *Tarbiyat and Ta'leem* (Moral training and Deeni education) are regarded notorious by the 'enlightened' sector of western society. What is education and healthy for kuffaar can be unhealthy, ruinous and immoral for Muslims. The lewd sex-education is a good example. According to western kufr ideology, it is good for the mental health of the child to teach him how to fornicate, commit homosexuality, to masturbate and how to be a lesbian. Their filthy sex-education caters for all these acts of Satanism. While such education will not be regarded harmful by Western society for the child, Islam is categorical that such immoral filth destroys the Akhlāq and even Imaan of the child. There is an extremely wide and unbridgeable chasm between the Islamic system of morality and the western system. The western system is a creed of immorality.

When a Nikah is validly concluded, it is registered in the Heavens by Allah Ta'ala. It requires no further registration for its validity and sanctity. To make this sacred bond the handmaid of the kufr civil 'marriage' is a display of the perversion of the Imaan of the proponents of this vile proposal. In this regard, the MPL molvi and his quasi-molvi assistant propose:

"In the event of a spouse to an existing civil marriage instituting a divorce action in terms of the Divorce Act after the commencement of this Act, the court shall not dissolve the civil marriage by the grant of a decree of divorce until the court is satisfied that the accompanying Muslim marriage has been dissolved."

This provision also casts more light on the sinister motives of the MPL clique. The plot is to make Islam and its Shariah subservient to western secular law. What relationship does there exist between a Nikah recognized by Allah Ta'ala and a 'civil marriage' recognized by the non-Muslim authority of the land? Why must a man first issue Talaaq, divorce his loving wife with whom he lives happily, break up his home, cast his children to the wolves and inflict misery on himself and his family if

NIKAH IS MADE SUBSERVIENT TO KUFR CONTRACT

he desires to dissolve the haraam civil kuffaar 'marriage' into which his ignorance or expediency had constrained him to enter?

A civil marriage in community of property is a serious disadvantage for Muslim couples. This haraam system precludes Islamic inheritance and allows a spiteful, ignorant and un-Islamic spouse to usurp half the property of the other spouse. But the molvis of MPL propose that the court should not consider the application of the Muslim for dissolution of this haraam system if he does not first issue Talaaq to his wife. Can these men understand why we say that they are propagators of nothing but pure Kufr?

The hidden plot underlying this specific proposal is to ensure that the kuffaar matrimonial system into which a Muslim had blundered is not cancelled. The reason for this motive is to ensure that the woman is not 'disadvantaged' by the dissolution. The molvis serving on and with the MPL have either intentionally adopted this motive or they have been stampeded into

acceptance by the secular forces to whom they have become subservient. The aim again is to conform to the ideology of the gender equality mob who believes and understands that the true motive constraining a Muslim husband applying for dissolution of his civil 'marriage' is his realisation that his Islamic Will is invalid as long as he remains 'married' according to the kuffaar system or what they call 'civil marriage'.

TRANSGRESSION

When a Muslim becomes conscious of his Maut and of Allah Ta'ala, he becomes concerned with the wrongs and transgressions he is guilty of. He is therefore eager to set the record straight and to purify himself for the Meeting with Allah Ta'ala.

Among the acts of transgression committed by him was to bind himself to the kuffaar matrimonial property system which renders the Shariah's Law of Inheritance inoperable. Islam therefore compels him to apply for dissolution of his civil 'marriage'. But the MPL molvis espousing the kufr of the gender equality

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KUFFAAR COURTS

The system for legal courts proposed by the MPL kufr bill is indeed a travesty of Allah's Shariah. This travesty emanates from those who proclaim themselves to be Muslims and who are eager to speak as representatives of the Shariah of Islam and of the community of Islam. The following provision of the MPL proposal is a revealing commentary of the *jahaalat and kufr* of those who have set themselves up as authorities of the Shariah:

"If any dispute is referred to a court for adjudication, the following provisions shall apply- (a) the Judge President or other head of the court which has jurisdiction, shall appoint a Muslim judge from that court to hear such a dispute, and if there is no Muslim judge, the Minister for Justice and Constitutional Development shall appoint a duly admitted practicing Muslim advocate or attorney of at least 10 years' standing as acting presiding officer. Provided that in urgent matters and in cases of an application under Rule 43 of the High Court Rules, the matter may be determined by a non-Muslim judge sitting without assessors."

The drivel stated above is religious legal and

constitutional junk.

The court system envisaged by this provision has no validity in the Shariah. Imagine a non-Muslim judge adjudicating and issuing decrees on matters of the Shariah and affecting Muslims over which he has absolutely no jurisdiction. Also imagine a Muslim advocate or attorney who is ignorant of the Shariah despite his 'ten years standing'. Such 'standing' does not qualify him in the Shariah.

The manner in which the attorney-quasi-priest is presently acquitting himself of in relation to the MPL Kufr debacle, speaks volumes for the un-Islamic, anti-Shar'i, anti-Qur'aan and anti-Sunnah verdicts which such unqualified, faasiq and non-Muslim judges will hand down in the name of the Shariah.

Even if a non-Muslim judge is of the highest moral integrity and has academically pursued Islamic studies for a couple of decades, he has no jurisdiction in Shar'i matters. A court constituted of a non-Muslim judge is not valid in Islam.

IDEOLOGY

The training and ideology of Muslim attorneys and advocates render them totally unfit to act as Qaadhis and even sit as assessors in a Muslim court. A court is not a Shar'i court merely by its composition of Muslim individuals. A court consisting of unqualified Muslim judges and assessors is not a Shar'i court. A court,

even if composed of only Muslim personnel of the kind which is affiliated to the western legal fraternity, is not a Shar'i court. Such a court lacks in Shar'i competence, Shar'i credibility, Shar'i qualification and Shar'i jurisdiction.

LAYMEN

A committee of Muslim laymen functioning under the guidance of an experienced Aalim in Daarul Kufr will constitute a valid Shar'i Forum to dispense with issues of Nikah and Talaaq. But the type of court proposed by the Kufr MPL bill has no validity in the Shariah.

The provision: *"the matter may be determined by a non-Muslim judge sitting without assessors"*, is too ludicrous and too brazen in its kufr for further comment.

ASSESSORS

The sham of the device of assessors does not enhance the status or image of the court in terms of the Shariah. Assessors form no part of a Shar'i court. The Shar'i court is devoid of the paraphernalia of western and kuffaar courts. The court of Islam is a simple institution consisting of only the *Qaadhi*.

NIKAH IS MADE SUBSERVIENT TO KUFR CONTRACT

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mob present such provisions which will thwart a man to act in accordance with the Shariah of the Qur'aan. Some of the provisions in the MPL creed of kufr have extremely thin veneers for cosmetic purposes of deception. But this particular provision requiring a man to issue Talaaq to his wife and ruin his family before dissolution of the civil contract

could be achieved does not have even the thinnest veneer to conceal its kufr.

IMPRISONMENT FOR AMR BIL MA'ROOF

Amr bil Ma'roof Nahy Anil Munkar (Commanding Righteousness and Prohibiting evil) is a Waajib obligation on, not only the Ulama, but on all Muslims. Yet, the molvis of the MPL allowing themselves to be used as rubber stamps for every kufr idea gorged out by their secular friends on the project committee, accept that a Muslim executing this sacred obligation be imprisoned for a year. Thus, these miscreants state in their MPL Kufr proposal:

"Any person who intentionally prevents another from exercising any right conferred under this Act, shall be guilty of an offence and liable upon conviction to a fine or to imprisonment for a period not exceeding one year."

This haraam and baatil proposal is directed against the Ulama-e-Haqq whom the project committee molvi and quasi-theologian know always proclaim the Haqq and condemn baatil. Something, therefore, has to be done to muzzle them so that the Muslim public will effectively remain in the dark and submit to kufr dished out in Islamic hues by the utilization of Shar'i terminology to portray the various Acts of baatil and kufr.

In addition to the Ulama-e-Haqq, the senior family members of the spouses in a marriage who opt to be governed by kufr MPL, also come within the purview of the jail sentence. Truly, men of Imaan can never be a party to such kufr.

"Those who do not govern according to what Allah has revealed, verily, they are the kaafiroon." (Qur'aan)

WHAT SHOULD MUSLIMS DO NOW?

In his comment on the MPL Kufr, Mufti Ebrahim Desai advises:

"The greatest need of the hour is to educate our community. So, spread the word around. Secondly, approach your local Ulama and organizations. Many Ulama are completely unaware of the ramifications (and dangers) of the proposed Bill. They have entrusted this affair in the hands of a few individuals whom they assume are experts and have the best interests of the community at heart (when in reality they have a sinister plan and goal). However, many Ulama, when they are briefed of the true nature of the monster, felt betrayed by the group of a few who are taking the Bill forward. The more Ulama become aware, the more they will voice their opposition, and Insha'Allah, the more, likely that those involved in the process will reconsider the matter. Thirdly, you as an individual have the full right to voice your objections to the Minister of Justice, and the relevant Portfolio Committees of Parliament."

It is the Islamic duty of all Muslims to voice their opposition against the MPL Kufr bill and to dissociate from the MPL kufr creed. Send your protest note and objections to the Minister of Justice in front of whom the kufr bill is presently lying for consideration to be moved on to the next stage of the law-making process. The address of the Minister is:

**Minister of Justice and Constitutional Development,
Private Bag X276, Pretoria, 0001**

WHY THE ULAMA AND THE MUSLIM COMMUNITY SHOULD INCUMBENTLY DISSOCIATE FROM MPL KUFR

Wisdom and intelligence are not requisites to understand the reasons for the need to dissociate from the MPL proposal. Every Muslim can understand that it is haraam to embrace kufr; that it is haraam to tamper with the Shariah; that those who interpolate and misinterpret the Shariah are the kaafiroon by the categorical declaration of the Qur'aan. The reason for dissociation is quite simple—it is **Kufr**.

However, we feel it appropriate to reproduce here the reasons which other Ulama present for their dissociation after having participated under the illusion that a bill compliant with the Shariah could be produced.

Commenting on the reasons for dissociation, Mufti Ebrahim Desai of the Daarul Iftaa of Madrasah In'aamiyyah of Camperdown, writes:

"Initially many Ulama (excluding the Mujlisul Ulama, ofcourse-Al-Haq) were party to these (MPL) moves, and had co-operated with the organs of state to draw up a Bill that would serve the Muslim community of South Africa. However, there were always apprehensions that a dispensation representing the Shariah cannot exist independently under the present Constitutional framework. After seeking guidance of experts of Constitutional law, these apprehensions were found to be very true. Therefore, day by day, more Ulama are voicing the need to abandon the process presently under way. We wish to simplify some of the reasons why it is imperative that the Muslim community, and in particular the Ulama should distance themselves from the proposed Bill."

HOPES OF THE ULAMA

The Muslim public may be broadly divided into two major segments: Those who are Deeni conscious and those who are not. It is the latter who require some form of coercive power of the law to regulate their affairs in accordance with the Shariah. It was

hoped that the Bill might serve this purpose. This is however unachievable under the present Constitutional framework. No particular sector of society can be compelled to abide to a set of rules that is not universal, i.e. do not apply across the board to all the citizens of the country. Any constitutional expert can confirm this. (One need not be an expert to understand this aspect of the secular constitution—Al-Haq). In simple terms, any Muslim can take objection in front of the Constitutional Court that he/she does not wish to be governed by this act. No court will compel him/her to do so.

(This is precisely the reason for the MPL committee's kufr provision proposing automatic imposition of the MPL on all Muslims. They attempt to gain by deviation and deception what the secular law denies them. — Al-Haq)

Does not the fact that he is a Muslim bind him to the Act? Will he not then have to renege from Islam to be excluded from the Act?

No. In order to be excluded from the Act all a person has to say is that this is a particular brand of Islam, and "I do not subscribe to this brand, hence it is unfair to govern me with this interpretation of Islam." Such a claim is very possible by those whom, it was envisaged, would be regulated by the Act. Thus the very objective for which some Ulama had become involved in the process, i.e. moulding the conduct of miscreant Muslims to accord with the Shariah, is defeated.

(On this question, as we have explained elsewhere in these pages, MPL cannot be imposed on unwilling Muslims regardless of whatever clauses, stratagems and conditions they work into their bill to force compliance with it. Even if, on assumption, it is said: I am a Muslim in the meaning of the MPL

bill", it cannot be imposed on the unwilling Muslim because he is a citizen of the country in the same way as members of other religious or irreligious persuasions are citizens. The constitution of the country is equally applicable to all citizens. Thus, a Muslim is free in terms of the constitution to say that he does not want this kufr imposed on him.— Al-Haq).

At present, issues of Muslim marriages and divorces are being decided by the courts using their own discretion. Surely if the Ulama can offer a watertight and Shariah compliant document to the government, which if accepted, would be far better than no legislation at all.

Firstly we are not responsible for what the judges are presently engaged in, i.e. deciding according to their own notions of justice. Secondly, such a partnership between the Ulama and the state is fraught with many dangers. From the very outset the Ulama will have to accept the Constitution to be supreme. This is kufr, for the only supreme law is the Shariah which is the Sovereign.

Thirdly such an interaction necessarily implies consent for the state to interfere in matters of the Shariah. Fourthly, a document no matter how watertight and Shariah-conformant it may be, will remain just that—a document. It will only be a set of proposals. Only a real fool is going to believe that the state will blindly and wholeheartedly accept a set of proposals and pass it on to parliament to be voted on. Lastly, the votaries of the Bill have conceded that there are many provisions of the Bill that are not Shariah compliant."

(Al-Haq comments further as follows:

Only a man extremely dense in the mind will be so gullible to accept

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that it is possible to hammer out a fully watertight Shariah compliant 'document' in a secular non-Muslim state in which a man-made constitution embodying haraam and immorality in Shar'i terms reigns supreme, and to which subservience is a requirement of the law of the land. How stupid is the idea of a Shar'i document being acceptable in the secular state with its heavy constitutional emphasis on elevating the rank of women, demoting the rank of men, legalizing lesbianism, homosexuality, abortion and a host of other immoralities!!!

The mere entertainment of such a notion indicates the shallowness in the intellectual grasp of the proponents of this theory. Neither have they understood the meaning and demands of the Shariah nor that of the secular constitution of the country.

The question of a fully Shariah compliant proposal which militates violently against the secular constitution, being accepted by the secular state is extremely puerile to say the least. There is not the remotest possibility that the Shariah will be or can be accepted as law in terms of the constitution of the country. It displays the downright stupidity and gross ignorance of the proponents of this idea.

NO LEGISLATION

To the claim that MPL would be far better than no legislation at all, we say: MPL is worse kufr than the secular constitution with its principles of immorality. While the secular constitution legalizes immorality, it does not by law impose immorality on any of the citizens. On the contrary, the Kufr MPL measure seeks to have its kufr imposed on Muslims by law, and with the provisions of absurd amounts of monetary penalties and jail sentences. The constitution as it stands presently is infinitely superior and far, far better than MPL kufr propagated under guise of the Shariah.

The Constitution of the country has adequate latitude to allow Muslims to regulate their lives according to that Shariah which

WHY THE ULAMA AND THE MUSLIM COMMUNITY SHOULD INCUMBENTLY DISSOCIATE FROM MPL KUFR

Muhammad (sallallahu alayhi wasallam) delivered to mankind from Allah Ta'ala. We thus see that even the secular court will enforce the Law of *Meeraath* (Islamic Inheritance) if a Muslim has left an Islamic Will provided that he did not attempt to walk two opposite paths at the same time. In other words, if in this secular state a Muslim is satisfied with only a Shar'i Nikah and does not hanker after a system which is dubbed 'civil marriage', then the secular court will ensure that the Shariah's laws of Inheritance are complied with 100%. The court, right to this day, acquires certificates and guidance from the Ulama in matters of the Shar'i distribution of a Muslim deceased's estate if he had left an Islamic Will.

COMPLIANCE

While the secular court will ensure full compliance with the Shariah on the issue of Islamic Inheritance, MPL does not assure full compliance with any of the provisions of the Shariah regarding issues of Nikah, Talaaq, Hadhaanah and Tahkeem. In fact, MPL stands opposed to the Shariah on these issues. Now why is this so? It is so because MPL is KUFR spawned by the Shaitaan-in-Chief.

Any Muslim who desires his life to be regulated and governed by the Shariah in this secular country on the issues of Nikah, Talaaq, Meeraath and many other issues, are guaranteed freedom to practise Islam fully by the Constitution which in spite of being un-Islamic, does not impose its kufr and immorality on Muslims in the way in which MPL seeks to impose its kufr on us.

The secular Constitution does not oblige Muslims to opt for any matrimonial system which the law regards as legal. But Kufr MPL proposes that Muslims be compelled to submit to its kufr system of marriage and divorce. MPL seeks to deny Muslims the right of freedom of religion — a right which the secular Constitution guarantees.

It is, therefore, simple to understand the superiority of the option of being governed by the secular Constitution than by the MPL Kufr which is being camouflaged and presented as the Shariah to bamboozle an unwary and an ignorant community. If the MPL molvis and quasi-priests are fools, the Ulama are not. In fact, most Muslims will by this time have recognized the inherent evils, dangers and kufr of MPL.

IMPURE

Sometimes a whole bucket of pure water becomes contaminated with a few drops of urine to render the entire contents of the bucket impure. But in the case of MPL, it is not a question of a few drops of urine which have contaminated the entire lawful contents. The entire contents of the MPL bucket is urine — kufr — such kufr which renders its subscribers *murtadd* — May Allah Ta'ala save us all from this disastrous misfortune.

AN IMPERATIVE UNDERSTANDING

It is Waajib (imperative) for Muslims to understand that the project committee which is responsible for the hybrid kufr bill is not a Shar'i committee. It is not qualified at all to voice itself on Shar'i issues, leave alone interpreting the Qur'aan and the Sunnah.

This un-Islamic committee which is an appendage of the gender-equality mob, has devised the cunning stratagem of having a molvi and a quasi-theologian as its rubber stamps to give Shar'i legitimacy to its kufr interpretations and newly fabricated creed which it has dubbed Muslim Personal Law.

The Shar'i incompetence of both these proponents of kufr is manifest from the gross un-Islamic and anti-Islamic proposals cluttering the MPL bill.

Muslims should not be lulled into compliance nor be hoodwinked into acceptance by those who have incorporated the stratagem of deception into their methodology.

The Qur'aan says the following to the MPL gang who has become adept in the art of fabricating kufr in the name of Islam: **"What, do you search for the law of Jaahiliyyah?"** Indeed, this is precisely what they have searched for and what they have finally adopted. They have sold their souls and their Imaan for some miserable worldly and nafsani gain.

REPENT

The only way in which the MPL molvi and quasi-molvi can save their Imaan and redeem their Deeni position is to bid farewell to the committee of kufr and return to the folds of the Deen, firstly by Taubah, then by renewing the Kalimah Shahaadat. The kufr in their proposals is too stark and vile for interpretation. *Ta'weel* cannot be employed to save their skins because they are in a process which threatens to subvert the entire Immutable Shariah of Allah Ta'ala. They are in the process of digging the foundations of Islam. MPL kufr in its present form is merely the initial stage of further and more glaring kufr to come in its wake.

ISLAMIC MARRIAGES

Continuing his comment on the dangers of the MPL move and the imperative need for Muslims to dissociate from and oppose this measure of kufr, Mufti Ebrahim Desai writes:

"(It is alleged that) At present., Islamic marriages are not recognized, Muslims thus face difficulties due to this. The Bill has been designed primarily to address this."

(The Mufti Saheb's response is):

"In the recent Daniels case, the courts have given recognition to Muslim marriages. Hence there is no imperative need for the Bill. Even prior to this judgement, Islamic

marriages were not automatically recognized, but were easily recognizable. Nothing prevents a person from registering his marriage. Even the Islamic property regime can be accommodated under the present legislation, by means of an Ante-Nuptial Contract with the exclusion of the accrual clause. Hence the issue of automatic recognition is not a major one."

OUR COMMENTS

There is a need for further explanation to dispel the misunderstanding and deception of the allegation of the votaries of MPL kufr.

The proponents of MPL Kufr have been monotonously piping the song of 'difficulties if our Nikahs are not registered'. This claim is palpably false and many unwary Muslims are led to believe that there is some veracity in this allegation. In fact, difficulty is the consequence of registering the Nikah and opting for a non-

Muslim matrimonial property system.

The need to register one's marriage may arise in a secular state. However, the disadvantage of registration brings about severe conflict with the Shariah, hence a Muslim should not unnecessarily adopt such a move which puts him into conflict with the Shariah.

If registration for some worldly reason is deemed necessary, then the Ante-nuptial system excluding what they term the 'accrual clause' should be opted for. This will allow one to retain ownership of one's assets and to draw up a Will which complies with the Shariah.

Where there is no need for registration, as is the case with 90% of Muslims, contentment with the sacred Nikah Contract of the Shariah is adequate for all needs in

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THIS IS WHAT THE SHARIAH OF THE QUR’AAN SAYS:	THIS IS WHAT THE MPL KUFR BILL SAYS:
NIKAH Is valid if it conforms to the requirements of the Qur’aanic Shariah	Qur’aanic Shariah is insufficient for the validity of a Nikah. The Nikah will be valid only if it conforms to MPL provisions.
AGE Parental or any other consent not a requirement for the validity of Nikah contracted by people who have reached buloogh (i.e. those who are adults in Islam). At the latest, a child becomes baaligh at the age of 15.	Nikah is not valid irrespective of the age of buloogh. Nikah will be valid only if contracted by those who are 18 years and over. For a 15 year old adult to marry, the consent of the non-Muslim minister or secular court is essential.
SECOND NIKAH Valid with only the consent and agreement of the prospective spouses	Not valid without the consent of the non-Muslim minister who needs the permission of the first wife.
OFFENCE Not an offence for a 15 year old to enter into Nikah without anyone’s consent	Any marriage entered into in contravention of MPL provisions shall be null and void even if the Nikah conforms with the Shariah of the Qur’aan.
REGISTRATION Registration not necessary	Registration is compulsory. Non-registration is an offence. There is a R5000 fine or jail for not registering Talaaq.
CONTRACT Not entitled to enter into any marital contract or matrimonial system which infringes on the rights of ownership of the spouses or which prevents distribution of the deceased’s estate in accordance with the Shariah.	Permissible to enter into any matrimonial system allowed by secular law regardless of the contravention of Islam’s laws on ownership and inheritance.
MPL MPL is an unknown kufr entity. The Imaam who performs a Nikah is not obliged to inform the prospective spouses that they have a choice of binding themselves or not to MPL. On the contrary, it is his duty to advise them of the Shar’i prohibition of the MPL Act.	MPL states: “Any person facilitating the conclusion of a Muslim marriage, irrespective of whether such person is marriage officer, must inform the prospective spouses that they have a choice whether or not to be bound by the provisions of this Act. If the Imaam Saheb fails to inform them, he is liable for a fine of R20,000 or a jail term.
SECOND NIKAH A second Nikah during the subsistence of first Nikah is valid and permissible without any legal restraint.	It is illegal without the permission of the non-Muslim minister. Application to the non-Muslim court should be made for permission to perform a second Nikah.
FINE There is no fine for a plurality of Nikah. Infact the concept of monetary fines is Baatil in the Shariah. A fine for marrying a second wife is zulm and haraam.	A fine of R20,000 or five years imprisonment is imposed on a man who enters into a second Nikah without the consent of the non-Muslim minister.
TALAAQ Talaaq is vested in only the husband. A Talaaq issued by the husband is valid. An Islamic court has no power of abrogating such Talaaq.	The secular court has the right to cancel Talaaq issued by the husband.
COMMUNITY OF PROPERTY The community of property system is haraam It does not give rise to a joint estate as decreed by non-Muslim law. The wife has no right and no share in the assets of her husband.	The court has the right to order division of the estate of the husband and award half the assets to the wife.
ACCRUAL The accrual system is haraam	Is permissible
AMR BIL MA’ROOF Is Waajib	If in conflict with MPL, it is an offence making one liable for a jail sentence of a year.
KINAAYAH Talaaq Kinaayah is valid in terms of the intention of the husband	The husband’s intention alone does not validate Talaaq Kinaayah. Only a non-Muslim court can validate Talaaq Kinaayah.
PROCEDURE The procedure for Faskh is prescribed by the Shariah	Is prescribed by MPL, not by the Shariah.
CUSTODY Custody and maintenance of children on dissolution of a Nikah are in terms of the prescribed Shar’i rules.	The Mediation in Certain Divorce Matters Act, 1987, not the Shariah, applies.
ASSETS Division of assets strictly in terms of ownership of the assets.	Division in terms of the ‘equitable’ notions of the non-Muslim court.
AGE OF MAJORITY 15 years at the latest (buloogh)	Will be determined in accordance with the Age of Majority Act, 1972
MAINTENANCE The Shariah has its defined system of maintenance	The provisions of the Maintenance Act, 1998 (Act 99 of 1998) shall apply.
COURTS A validly constituted Islamic court is a Muslim Qaadhi	A non-Muslim judge constitutes a valid court which has jurisdiction over Muslims.
CIVIL MARRIAGE Has absolutely no validity in Islam, and is unrelated to the Nikah	Dissolution of the haraam civil ‘marriage’ contract must be accompanied by Talaaq. The husband should first issue Talaaq, then obtain dissolution of his civil ‘marriage’.

Besides the aforementioned Acts of kufr of MPL, almost every provision of the MPL proposal is in conflict with the Qur’aanic Shariah.

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ISLAMIC MARRIAGES

even this secular state. In several avenues of life, the Nikah Certificate is accepted as sufficient proof of marriage and whatever benefits are available in these specific avenues are not denied to Muslims with the misleading argument of our Nikahs not being recognized as legal marriages.

WITHOUT

The Muslim community as a whole, from its inception in this country, has come through life WITHOUT registering their Nikahs and WITHOUT any adverse consequences on account of non-registration. On the contrary, there are advantages in non-registration, the biggest and the Waajib one of which is the validity of the Islamic Will and the enforcement of its Provisions by the secular courts of the country without the need for the interference of MPL Kufr scrap.

If there is any disadvantage in non-registration, it is the incidence of dying intestate, i.e. not leaving a Will. But this incidence is negligible and is caused either by ignorance of the Shariah’s demand or by indifference to the Shariah or by the kufr idea of the Shariah’s laws of inheritance not being ‘equitable’ in terms of the conception of the kuffaar. As far as the latter type of individual is concerned, we can safely say: ‘*May Jahan-num be mubaarak for you..*’

To the first type of criminal, we say: Ignorance is not a virtue nor an excuse. It is a haraam act which will be punishable in the Aakhirah. Rasulullah (sallallahu alayhi wasallam) enumerated five categories of people who will be consigned to Jahannum even before *Hisaab (the Reckoning in Qiyaamah)*. One of these categories is rural (village) dwellers who are ignorant of the masaa-il of the Shariah. Far from their *jahaalat* being a mitigating factor for leniency, it will secure their seat in Jahannum even before Reckoning.

For the sake of protecting the few ignoramuses who refuse to acquire the basic knowledge of the Deen, is it intelligent, logical and acceptable to perpetrate KUFR and become a *murtad* by tampering with the Shariah of the Qur’aan in the style of the MPL miscreants and deviates?

The answer for the second class — namely, those who just cannot bother about the Shariah, we say: You are following close on the heels of those who have received the congratulatory message of admission to Jahannum — you and your MPL brethren — all of the same ilk.

In short, the difficulties are imagined by ordinary people as a result of the deliberate skulduggery of those who are madly desirous of imposing kufr laws on the community. There are NO difficulties in non-registration. The difficulties are creations of the imagination of those who are averse or indifferent towards the Shariah, or by those who have sinister agendas.

